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EXAMINER

SINGH, SATWANT K

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| ART UNIT | PAPER NUMBER |
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2626

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/040,380

Applicant(s)

IDEHARA, TAKENORI

Examiner

Satwant K. Singh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 8, 9, 12, 13, 16, 17, 19, 20 and 22 is/are rejected.
- 7) ☒ Claim(s) 2-4, 6, 7, 10, 11, 14, 15, 18 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Regarding Claim 2, the phrase "do not moved" renders the claim indefinite because it is unclear what is meant by the specified phrase. It appears to the examiner that the specified phrase should say "do not move" as stated in claim 7. Appropriate correction is required.
3. Regarding Claim 8, the claim is dependent on Claim 6 but references the image forming device mentioned in claim 5. It appears to the examiner that the claim should be dependent on claim 5. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 5, 8, 9, 12, 13, 16, 17, 19, 20, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Jinbo et al. (US 2002/0054330)

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6. Regarding Claim 1, Jinbo et al disclose an image forming system comprising portable terminals (portable terminal 210) and an image forming device (image forming apparatus 100), wherein said portable terminals are each equipped with a wireless communication unit capable of wirelessly communicating with said image forming device (antenna 214) (page 4, paragraph [0065]); and said image forming device comprises: a wireless communication unit capable of wirelessly communicating with said portable terminals (communication portion 200) (page 4, paragraph [0062]); an identifying unit for identifying a portable terminal located closest to the image forming device out of portable terminals under wirelessly communicable conditions (Fig. 8, S404) (page 5, paragraph [0079] and (Fig. 11, S603) (page 6, paragraph [0099]); and a power saving control unit for performing power saving control for said image forming device in correspondence with the distance between the identified portable terminal and said image forming device (temperature of the fixing device 118 is controlled based on the mode switching control processing) (Fig. 9, S58 and Fig. 11, page 5, paragraph [0091], page 6, paragraph [0099]).

7. Regarding Claim 5, Jinbo et al disclose an image forming device (image forming apparatus 100) comprising: a communication unit for communicating wirelessly with a portable terminal (communication portion 200) (page 4, paragraph [0062]); and a controller (control portion 203) executing the steps of: obtaining distance between said portable terminal and said image forming device based on result of communication performed by said communication unit (the control portion detects the position of the portable terminal 210 by detecting the distance between the image forming apparatus

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100 and the portable terminal 210) (page 4, paragraph [0063]), and performing power saving control for said image forming device in accordance with the obtained distance (mode control switching) (Fig. 11, S603, page 6, paragraph [0099]).

8. Regarding Claim 8, Jinbo et al disclose an image forming device further comprising a fusing unit (fixing device 118) (pages 3), wherein said power saving control is temperature control for said fusing unit (pages 3 ad 4, paragraph [0061]).

9. Claims 9, 13, and 20 are rejected for the same reason as claim 5.

10. Claims 12, 16, 19 and 22 are rejected for the same reason as claim 8.

11. Regarding Claim 17, Jinbo et al disclose an image forming system comprising an image forming device (image forming apparatus 100), portable terminals (portable terminal 210) and a control device (control portion 213) for controlling said image forming device, wherein said portable terminals are each equipped with a wireless communication unit capable of wirelessly communicating with said control device (antenna 214) (page 4, paragraph [0065]); and said control device comprises: a wireless communication unit capable of wirelessly communicating with said multiple portable terminals (communication portion 200) (page 4, paragraph [0062]); an identifying unit for identifying a portable terminal of a preregistered user out of portable terminals under wirelessly communicable conditions (Fig. 7, S303) (page 4, paragraph [0073]); and a power saving control unit for performing power saving control for said image forming device in correspondence with the distance between the identified portable terminal and said image forming device (temperature of the fixing device 118 is

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controlled based on the mode switching control processing) (Fig. 9, S58 and Fig. 11, page 5, paragraph [0091], page 6, paragraph [0099]).

Allowable Subject Matter

12. Claims 2-4, 6, 7, 10, 11, 14, 15, 18, and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satwant K. Singh whose telephone number is (703) 306-3430. The examiner can normally be reached on Monday thru Friday 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on (703) 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Suft
sks

Satwant K. Singh
Examiner
Art Unit 2626

KA Williams

**KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER**